

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52383 of 2018

Arising Out of PS.Case No. -97 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Sachchidanand Rai @ Sachchidanand Kumar @ Sachidanand Rai, S/o.
Shambhu Rai, R/o. Village- Shahwajpu @ Ambedkar Colony Sahbajpur
Salem, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA

JAISWAL

ORAL ORDER

2 27-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

190 litres of foreign liquor is said to have been
recovered from the Hyundai Eon Car and its driver managed to
escape while as per the secret information 2899 litres foreign
liquor is said to have been recovered from the chaur which is said
to have been kept there by the petitioner and other accused persons
named in the seizure list who managed to escape preceding to the
raid.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the vehicle in question or place of recovery or any trade of liquor. He was not apprehended on the spot. The identity and genuineness of the sources of information has not been mentioned in the forwarding letter or seizure list. There is violation of Section 100 Cr.P.C. He has been falsely implicated in the case. He has been languishing in custody since 30.07.2018. Similarly situated co-accused, namely, Lalan Rai @ Lalan Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 20.06.2018 passed in Cr. Misc. No. 34847 and owner of the said car, namely, Raja Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 26.07.2018 passed in Cr. Misc. No. 37648 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-02 cum Special Judge, Excise Act, Muzaffrpur in connection with Excise Case No. 97 of 2018 P.R. No. 11 of 2018-19.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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